

REMARKS

Upon entry of the claim amendments, Claims 1-17 will be all the claims pending in the application.

New Claim 9 is supported by the description at pages 11-13 of the specification.

New Claim 10 is supported by the description at pages 39-40 of the specification.

New Claim 11 is supported by the description at page 41 of the specification.

New Claim 12 is supported by the description at pages 56-57 of the specification.

New Claims 13-17 are supported by the description at page 39 of the specification.

No new matter has been added.

Referring to Section Nos. 1-5 at pages 2-4 of the Office Action, Claims 1-8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over: (i) Claims 1-6 and 9 of U.S. Patent Application No. 10/645,797 (U.S. Patent Application Publication No. 2004/0053988 (“US ‘988”)); (ii) Claims 2, 8-9, and 14-15 of U.S. Patent Application No. 10/671,736 (U.S. Patent Application Publication No. 2004/0080596 (“US ‘596”)); (iii) Claims 1-2, 5-9, and 11 of U.S. Patent Application No. 10/714,945 (U.S. Patent Application Publication No. 2004/0154496 (“US ‘496”)); and (iv) Claims 2, 8-9, and 14-15 of U.S. Patent Application No. 10/671,729 (U.S. Patent Application Publication No. 2004/0070654 (“US ‘654”)).

In response, Applicants are filing herewith a terminal disclaimer with respect to each of US ‘988, US ‘596, US ‘496, and US ‘654. The filing of the terminal disclaimer is not an admission of the propriety of the rejections, and raises neither a presumption nor estoppel on the merits of the rejections. MPEP §804.02. Withdrawal of the double patenting rejections is requested.

Referring to Section No. 7 at pages 5 and 6 of the Office Action, Claims 1-8 are rejected under 35 U.S.C. § 102(e) as being anticipated by US ‘988.

AMENDMENT

U.S. Appln. No. 10/714,845

Applicants respectfully traverse.

Applicants are submitting herewith a sworn translation of Japan Application No. P.2002-333603 ("JP '603") in order for US '988 to be disqualified from being proper prior art against the present application.

The present application claims foreign priority from JP '603, which was filed in Japan on November 18, 2002. US '988 is disqualified because the filing date in Japan of JP '603 is earlier in time than US '988's U.S. filing date (August 22, 2003).

Furthermore, JP '603 provides the necessary support for each of rejected Claims 1-8. For example, Applicants refer to pages 1-3 of the sworn translation.

Withdrawal of the §102 rejection of Claims 1-8 is requested.

Referring to Section No. 9 at pages 7 and 8 of the Office Action, Claims 1-8 are rejected under 35 U.S.C. § 103(a) as being obvious over US '654.

Applicants respectfully traverse.

The filing of the sworn translation of JP '603 also serves to disqualify US '654 from being proper prior art against the present application. Specifically, the filing date in Japan of JP '603 is earlier in time than US '654's U.S. filing date (September 29, 2003).

Withdrawal of the §103 rejection of Claims 1-8 is requested.

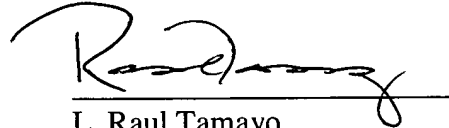
Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT

U.S. Appln. No. 10/714,845

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "L. Raul Tamayo", written over a horizontal line.

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